

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Annette Bennett,

Plaintiff,

v.

**Michael J. Astrue,
Commissioner of Social Security,**

Defendant.

C/A No. 8:07-986-CMC-BHH

OPINION AND ORDER

In this action, Plaintiff is seeking judicial review of the final decision of the Commissioner of Social Security pursuant to 42 U.S.C. §§ 405(g) and 1631(c)(3). The Commissioner of Social Security denied her claim for disability insurance benefits. The matter is currently before the court for review of the Report and Recommendation of Magistrate Judge Bruce Howe Hendricks, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rules 73.02(B)(2)(a) and 83.VII.02, *et seq.*, D.S.C.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The United States Magistrate Judge filed her Report and Recommendation on May 23, 2008, in which she recommends that the decision of the Commissioner be reversed and the case remanded for appropriate action regarding an award of DIB benefits to Plaintiff. No objections have been filed and the time for doing so has expired.¹

After reviewing the record, the applicable law, the briefs of counsel, and the findings and recommendations of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. For the reasons set out therein, the final decision of the Commissioner is **reversed and the case is remanded** to the Commissioner pursuant to Sentence Four of 42 U.S.C. §§ 405(g) and 1383(c)(3) for further action to award benefits as set forth in the Report and Recommendation.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
June 20, 2008

¹ On June 16, 2008, counsel for Defendant filed notice that Defendant would not file objections to the Magistrate Judge's Report and Recommendation. Dkt. No. 25.